### STATE OF NEW HAMPSHIRE INTER-DEPARTMENT COMMUNICATION

DATE:

June 4, 2019

FROM: Andrew O'Sullivan Wetlands Program Manager

AT (OFFICE):

Department of Transportation

SUBJECT

Dredge & Fill Application

Hampton, 42439

Bureau of Environment

TO

Eben Lewis,

Pease International Tradeport 222 International Drive, Suite 175

Portsmouth, NH 03801

Forwarded herewith is the application package prepared by NH DOT Bureau of Bridge Maintenance for the subject Major impact project. This project is classified as Major per Env-Wt 303.02(b). The project is located on NH Route 1A in the Town of Hampton, NH. The proposed work consists of rearranging the existing rip-rap as well as placing gabion mattresses to stabilize the abutment and prevent future scour.

This project was reviewed at the Natural Resource Agency Coordination Meeting on January 16, 2019 and April 17, 2019. Minutes from that meeting have been included with this application package. A copy of this application and plans can be accessed on the Departments website via the following link: http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/wetlandapplications.htm

At the April Natural Resource Agency Coordination Meeting it was determined that Mitigation was not required as the proposed work was for the protection of existing infrastructure.

The lead people to contact for this project are Steve Johnson, Administrator, Bureau of Bridge Maintenance (271-3668 or steve.johnson@dot.nh.gov) or Andy O'Sullivan, Wetlands Program Manager, Bureau of Environment (271-3226 or Andrew.O'Sullivan@dot.nh.gov).

A payment voucher has been processed for this application (Voucher #570850) in the amount of \$2,445.20.

If and when this application meets with the approval of the Bureau, please send the permit directly to Andy O'Sullivan, Wetlands Program Manager, Bureau of Environment.

MRU:mru Enclosures **BOE** Original Town of Hampton (4 copies via certified mail) David Trubey, NH Division of Historic Resources (Cultural Review Within) Carol Henderson, NH Fish & Game (via electronic notification) Maria Tur, US Fish & Wildlife (via electronic notification) Mark Kern, US Environmental Protection Agency (via electronic notification) Michael Hicks, US Army Corp of Engineers (via electronic notification) Kevin Nyhan, BOE (via electronic notification)



## WETLANDS PERMIT APPLICATION

# Water Division/ Wetlands Bureau Land Resources Management



Check the status of your application: www.des.nh.gov/onestop
RSA/Rule: RSA 482-A/ Env-Wt 100-900

1. REVIEW TIME: Indicate your Review Time below. To determine review time, refer to Guidance Document A for instructions.							
⊠ Standard Review (Minimum, Minor or №	lajor Impact)		Expedited Review	/ (Minimum Imp	act only)		
2. MITIGATION REQUIREMENT:							
If mitigation is required a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required Frequently Asked Question.							
Mitigation Pre-Application Meeting Date: Month: Day: Year: ⊠ N/A - Mitigation is not required							
3. PROJECT LOCATION:							
Separate wetland permit applications must be su	bmitted for each mu	inicipality that we	<del>-</del>				
ADDRESS: NH 1A over Hampton River			TOV	WN/CITY: <b>Ham</b> į	pton		
TAX MAP: BLOCK:		LOT:		UNIT:			
USGS TOPO MAP WATERBODY NAME: <b>Hampton</b>	River	. 🗆 NA	STREAM WATER	SHED SIZE: 45.	<b>35 sq. mi</b> . □ NA		
LOCATION COORDINATES (If known): 42' 53' 45.6	6",  70` 48' 15.97'	•			Latitude/Longitude		
4. PROJECT DESCRIPTION:  Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of vour project. DO NOT reply "See Attached" in the space provided below.  This project is a bridge maintenance activity which involves the protection of the southwest abutment of the Hampton River Bridge. The southwest abutment has had riprap exposed and will need to be rearranged, and there will be gabion mattresses used to further protect the slope. This will be coordinated with the ACOE, who plan to							
start a dredging operation in October 201  5. SHORELINE FRONTAGE:	5, and the Mir De		u Gaille.				
☐ NA This does not have shoreline frontage.	SHC	RELINE FRON	AGE:	***************************************			
Shoreline frontage is calculated by determining the straight line drawn between the property lines, bo					rontage and a		
6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT: Please indicate if any of the following permit applications are required and, if required, the status of the application. To determine if other Land Resources Management Permits are required, refer to the Land Resources Management Web Page.							
Permit Type	Permit Required	File Numb		pplication Stat	~~~		
Alteration of Terrain Permit Per RSA 485-A:17 Individual Sewerage Disposal per RSA 485-A:2 Subdivision Approval Per RSA 485-A Shoreland Permit Per RSA 483-B	☐ YES ☒ NO ☐ YES ☒ NO ☐ YES ☒ NO ☐ YES ☒ NO		APPR	ROVED PEI	NDING  DENIED DENIED DENIED DENIED DENIED DENIED DENIED		
7. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS: See the Instructions & Required Attachments document for instructions to complete a & b below.							
a. Natural Heritage Bureau File ID: NHB 19	- 0121 .						
<ul> <li>b. ☐ <u>Designated River</u> the project is in ¼ miles date a copy of the application was sent to</li> <li>☑ N/A</li> </ul>	of:the Local River Ma	nagement Advis	; and ory Committee: M	onth: Day:	Year:		

8. APPLICANT INFORMATION (Desired permit holder)						
LAST NAME, FIRST NAME, M.I.: NH Dept. of Transporta	tion ,					
TRUST / COMPANY NAME: NH Dept. of Transportation	MAILING ADDRESS: PO Box 483					
TOWN/CITY: Concord	STATE: NF	ZIP CODE: <b>03302</b>				
EMAIL or FAX: Steve.Johnson@dot.nh.gov	PHONE: <b>271-3667</b>					
ELECTRONIC COMMUNICATION: By initialing here:, electronically	I hereby authorize NHDES to communicate all matter	s relative to this application				
PROPERTY OWNER INFORMATION (If different than applicant)						
LAST NAME, FIRST NAME, M.I.: NH Dept. of Transporta	tion					
TRUST / COMPANY NAME: NH Dept. of Transportation	MAILING ADDRESS: PO Box 483					
TOWN/CITY: Concord	STATE: <b>NF</b>	ZIP CODE: <b>03302</b>				
EMAIL or FAX: Andrew.O'Sullivan@dot.nh.gov	PHONE: 271-3226					
ELECTRONIC COMMUNICATION: By initialing here, electronically	I hereby authorize NHDES to communicate all matters	s relative to this application				
10. AUTHORIZED AGENT INFORMATION						
LAST NAME, FIRST NAME, M.I.:	COMPANY NAME:					
MAILING ADDRESS:						
TOWN/CITY:	STATE:	ZIP CODE:				
EMAIL or FAX:	PHONE:					
ELECTRONIC COMMUNICATION: By initialing here, electronically	I hereby authorize NHDES to communicate all matters	s relative to this application				
11. PROPERTY OWNER SIGNATURE:						
See the Instructions & Required Attachments document for	r clarification of the below statements					
By signing the application, I am certifying that:						
1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish						
upon request, supplemental information in support of this permit application.						
<ol> <li>I have reviewed and submitted information &amp; attachments outlined in the Instructions and Required Attachment document.</li> <li>All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.</li> </ol>						
4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.						
5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.						
6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered						
grandfathered per Env-Wt 101.47.  7. I have submitted a Request for Project Review (RPR) Form ( <a href="https://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a> ) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating						
with the lead federal agency for NHPA 106 compliance.						
8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.						
9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.						
10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.						
11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.  12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not						
forward returned mail.						
Stice w 7 of him	Steve W Johnson	614119				
Property Owner Signature	Print name legibly	Date				

### **MUNICIPAL SIGNATURES**

12. CONSERVATION COMMISSION SIGNATURE						
The signature below certifies that the municipal conservation commission has reviewed this application, and:  1. Waives its right to intervene per RSA 482-A:11;  2. Believes that the application and submitted plans accurately represent the proposed project; and  3. Has no objection to permitting the proposed work.						
. Waives its right to intervene per RSA 482-A:11; . Believes that the application and submitted plans accurately represent the proposed project; and						

### DIRECTIONS FOR CONSERVATION COMMISSION

- 1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
- 2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
- 3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

13. TOWN / CITY CLERK SIGNATURE							
As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.							
$\Box$							
Town/City Clerk Signature							

### **DIRECTIONS FOR TOWN/CITY CLERK:**

Per RSA 482-A:3,I

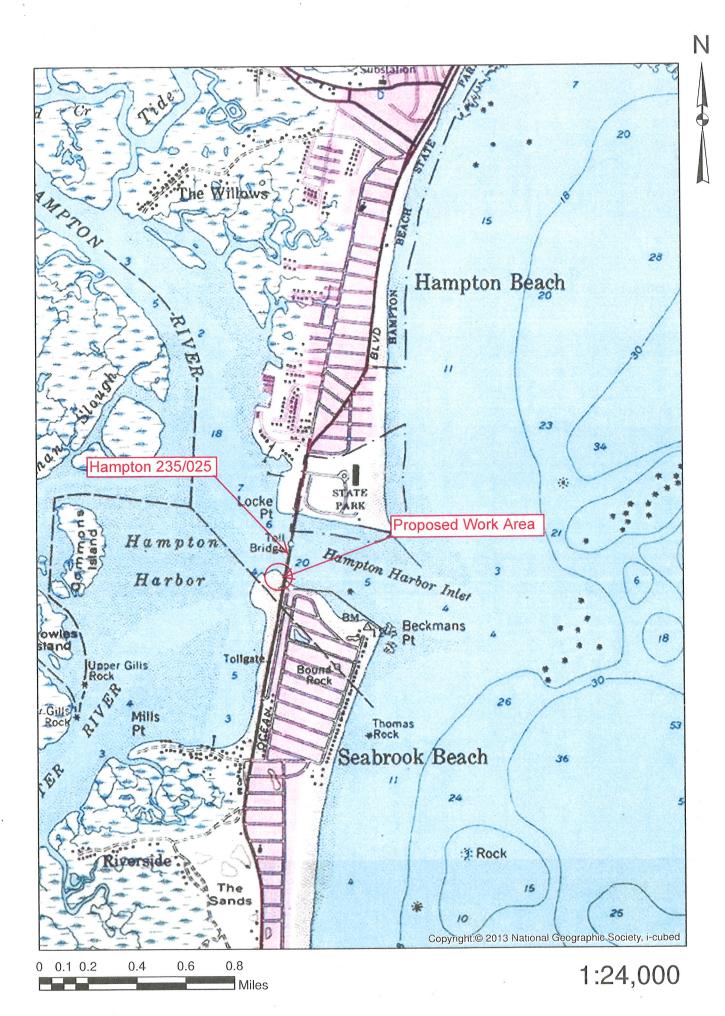
- 1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
- 2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
- 3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
- 4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
- 5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

### **DIRECTIONS FOR APPLICANT:**

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

14. IMPACT AREA: For each jurisdictional area that will be/h		are feet and, if appl	icable, linear feet of impact		
<u>Permanent</u> : impacts that will remain after <u>Temporary</u> : impacts not intended to rem		-construction condit	ions) after the project is complete.		
JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.		TEMPORARY Sq. Ft. / Lin. Ft.		
Forested wetland	• • • • • • • • • • • • • • • • • • •	ATF		ATF	
Scrub-shrub wetland		ATF		ATF	
Emergent wetland		ATF		ATF	
Wet meadow		ATF		ATF	
Intermittent stream		ATF		ATF	
Perennial Stream / River	1	ATF	1	ATF	
Lake / Pond	1	ATF	1	ATF	
Bank - Intermittent stream	1	ATF	1	ATF	
Bank - Perennial stream / River	/	ATF	1	ATF	
Bank - Lake / Pond	/	ATF	1	ATF	
Tidal water	1	ATF	930 /	ATF	
Salt marsh		ATF		ATF	
Sand dune		ATF	4071	ATF	
Prime wetland		ATF		ATF	
Prime wetland buffer		ATF		☐ ATF	
Undeveloped Tidal Buffer Zone (TBZ)	1163	ATF	6062	ATF	
Previously-developed upland in TBZ		ATF		ATF	
Docking - Lake / Pond		ATF		ATF	
Docking - River		ATF		ATF	
Docking - Tidal Water		ATF		ATF	
TOTAL	1163 /	en en en deur deur deur en	11063 /		
15. APPLICATION FEE: See the Instru	ctions & Required Attachments	document for furth	er instruction		
☐ Minimum Impact Fee: Flat fee of \$ 2					
Minor or Major Impact Fee: Calcula		42 226 #	. V . (*0.00 (*) <b>0.445.00</b>		
Permanent and Temporary (non-docking) 12,226 sq. ft. X \$0.20 = \$2,445.20					
Temporary (se	easonal) docking structure:	sq. ft.	X \$1.00 = \$		
Permanent docking structure: sq. ft. X \$2.00 = \$					
Projects p	proposing shoreline structure	es (including dock	s) add \$200 =\$		
			Total = \$ <b>2,445.20</b>		
The Application	Fee is the above calculated To	tal or \$200, whiche	ver is greater = \$ 2.445.20		

shoreland@des.nh.gov or (603) 271-2147
NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
www.des.nh.gov



NHDES-W-06-013



RSA/ Rule: RSA 482-A, Env-Wt 100-900

1. The need for the proposed impact.

# WETLANDS PERMIT APPLICATION – ATTACHMENT A MINOR AND MAJOR - 20 QUESTIONS

# Land Resources Management Wetlands Bureau





Env-Wt 302.04 Requirements for Application Evaluation - For any major or minor project, the applicant shall demonstrate by plan

and example that the following factors have been considered in the project's design in assessing the impact of the proposed project to areas and environments under the department's jurisdiction. Respond with statements demonstrating:

The existing bridge carrying NH 1A over the Hampton River shows signs of scour and erosion. It is the intent of the Bureau of Bridge Maintenance to keep this vital piece of infrastructure in service. To do so the erosion along the southern bank at the west abutment, must be addressed to maintain a safe, in service bridge in this location. The current impacts shown are to address this erosion at this location and provide access for the work to be performed.

2. That the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.

The alternatives considered are as follows:

Leave the Bridge Unattended: This current bridge is planned to be replaced by the Seabrook-Hampton 15904 project tenatively slated for construction in 2023. However due to the damage to the southwest abutment the bridge will not remain safe until then. The area would fall into disrepair which would eventually lead to slope failure and an unsafe roadway if left unaddressed until the full bridge replacement project.

Repair the existing riprap and place gabion mattresses: This is the preferred alternative because it is the most effective way to repair and provide the necessary erosion protection this bridge needs. This project as proposed has an estimated cost of \$20,000. This alternative meets the immeadiate needs/scope of work and is the most cost effective solution and meets the stream crossing rules to the maximum extent practicable.

3. The type and classification of the wetlands involved.
E2US2E-Estuarine Intertidal, unconsolidated shore, sand, regularly flooded (Sand Flat).
TBZ-Tidal Buffer Zone
Sand Dune- Sand Dune
4. The relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters.
The Hampton River Bridge crosses over tidal waters which is connected to both the Hampton River Estuary to the West as well as the Atlantic Ocean to the East.
5. The rarity of the wetland, surface water, sand dunes, or tidal buffer zone area.
The wetlands within the project area are rare. There are impacts to tidal wetlands, tidal buffer zone areas, and sand dunes and precautions to limit the impacts to the maximum extent practicable have been taken.
6. The surface area of the wetlands that will be impacted.
930 sq. ft. Estuarine (930 sq. ft. temporary)
7225 sq. ft. Tidal Buffer Zone (6062 sq. ft. temporary, 1163 permanent)
4071 sq. ft. Sand Dune (4071 sq. ft. temporary)

7. The impact on plants, fish and wildlife including, but not limited to:
a. Rare, special concern species;
b. State and federally listed threatened and endangered species;
c. Species at the extremities of their ranges;
d. Migratory fish and wildlife;
e. Exemplary natural communities identified by the DRED-NHB; and
f. Vernal pools.
a) The Natural Heritage Bureau (NHB) has identified several natural communities as well as plant and vertebrae species. In order to address the concerns of impacting these communities and species the Department has coordinated with the Department of Fish and Game. In order to preserve the plant species, the access and work area has been marked out by construction personnel so that the species may be relocated by the Department of Fish and Game. Immediately prior to work beginning in the area, there will be further communication with the Department of Fish and Game to assure that the construction activities will not negatively impact vertebrae species including the Piping Plover and the Least Tern. See email correspondence for further detail.
b) The U.S. Fish & Wildlife Services (USFWS) IPaC tool (05E1NE00-2019-SLI-1591) identified the Northern Long Eared Bat and the Red Knot, federally listed threatened species, as species that may be present within the bounds of the project area. The proposed work will not remove any trees greater than 3" diameter at breast height. No birds will be disturbed through this project.
c) There are no species at the extremeties of their ranges in this area.
d) Through communication with NH Department of Fish and Game migratory fish and wildlife will not be affected by this project.
e) Coordination has been done to ensure that the Natural Communities in the area will have the least possible impact.
f) There were no vernal pools identified and/or delineated in the project area.
8. The impact of the proposed project on public commerce, navigation and recreation.
During construction all lanes of traffic will be maintained at all times. The Hampton River Bridge is an inlet to the Hampton Harbor
which is a highly traveled road. The work done by bridge maintenance in this area will have no effect to the navigable water as work will not occur within the channel. Any recreational activities including access to the beach and fishing will need to occur outside the construction work zone. When construction is completed, the project as proposed will be a benefit to the public commerce because it will provide safe travel for the public until the larger Seabrook-Hampton project is completed.
which is a highly traveled road. The work done by bridge maintenance in this area will have no effect to the navigable water as work will not occur within the channel. Any recreational activities including access to the beach and fishing will need to occur outside the construction work zone. When construction is completed, the project as proposed will be a benefit to the public
which is a highly traveled road. The work done by bridge maintenance in this area will have no effect to the navigable water as work will not occur within the channel. Any recreational activities including access to the beach and fishing will need to occur outside the construction work zone. When construction is completed, the project as proposed will be a benefit to the public commerce because it will provide safe travel for the public until the larger Seabrook-Hampton project is completed.  9. The extent to which a project interferes with the aesthetic interests of the general public. For example, where an applicant proposes the construction of a retaining wall on the bank of a lake, the applicant shall be required to indicate the type of material

proposes to construct a dock in a narrow channel, the applicant shall be required to document the extent to which the dock would block or interfere with the passage through this area.
The project will temporarily obstruct access to the beach along the western side of the bridge. However there will be access to the area along the eastern side of the bridge as well as the town park to the west. Once the project is complete all access areas will be restored.
11. The impact upon abutting owners pursuant to RSA 482-A:11, II. For example, if an applicant is proposing to rip-rap a stream, the applicant shall be required to document the effect of such work on upstream and downstream abutting properties.
The project is expected to have a positive impact on any abutting properties. The rehabilitated structure will better serve the abutting property owners if they need to travel on the road.
The project as proposed will not alter the chance of flooding on abutting properties.
12. The benefit of a project to the health, safety, and well being of the general public.
The project will provide a safer, longer lasting structure and roadway. If the structure is not rehabilitated, the bridge will eventually be load posted or closed. Keeping the roadway open benefits commerce, trade, emergency access, etc. for the general public.

13. The impact of a proposed project on quantity or quality of surface and groundwater. For example, where an applicant proposes to fill wetlands the applicant shall be required to document the impact of the proposed fill on the amount of drainage entering the site versus the amount of drainage exiting the site and the difference in the quality of water entering and exiting the site.
Stormwater currently runs off the road over natural vegetation. Upon the completion of the project, stormwater will drain in the same manner. This will have no adverse effects on the quality or quantity of surface and ground water within the project limits. Best Management Practices will be used to prevent any adverse effect to water quality during construction. All work will be done during low tide cycles to minimize impacts.
14. The potential of a proposed project to cause or increase flooding, erosion, or sedimentation.
Flooding: The proposed work for this project will not have any effect on the structures ability to pass the 100 year storm event.
Erosion: The proposed work is intended to prevent further erosion in the area near the southwest abutment of the bridge.
Sedimentation: Nothing will be placed that will be a barrier to sediment transport.
15. The extent to which a project that is located in surface waters reflects or redirects current or wave energy which might cause damage or hazards.
Surface waters will not be reflected or redirected as a result of this project. It is the intent of this project to only provide protection to the existing structure and reinforce existing erosion control.

16.	The cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights. For example, an applicant who owns only a portion of a wetland shall document the applicant's percentage of ownership of that wetland and the percentage of that ownership that would be impacted.						
	The work consists of the repair of an existing bridge structure. There are no similar structures in the vicinity owned by other partie that would require repair.						
		rights. For example, an applicant who fithat wetland and the percentage of in the vicinity owned by other parties and complex.					
17.	The impact of the proposed project on the values and functions of the total wetland or wetland complex.	_					
	project has minimized overall impacts to the area and will not impact the values and functions of the Hampton River and the nected natural communities. The work itself will only be performed during times of low tide.						

18. The impact upon the value of the sites included in the latest published edition of the National Register of Natural Landmarks, of sites eligible for such publication.	******
he project is not located in or near any Natural Landmarks listed on the National Register.	
9. The impact upon the value of areas named in acts of Congress or presidential proclamations as national rivers, national wilderndareas, national lakeshores, and such areas as may be established under federal, state, or municipal laws for similar and related purposes such as estuarine and marine sanctuaries.	SS
he proposed project is not within any areas named in acts of Congress or presidential proclamations.	
0. The degree to which a project redirects water from one watershed to another.	
he project as proposed will not redirect water from one watershed to another.	

Additional comments					
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### NOTES ON CONFERENCE:

### Finalize December 19, 2018 Meeting Minutes

Matt Urban indicated that a few comments came in for December's minutes. Lori Sommer asked that we touch base with Gino Infascelli prior to finalizing the minutes. Gino provided comments when the initial draft was sent out. All comments were incorporated into the minutes and were finalized.

### Hampton, #42439

Doug Locker gave an overview of the proposed maintenance work to bridge 235/025 in Hampton along NH 1A over the Hampton River. It was noted that there is a separate project, Seabrook-Hampton 15904, planned to replace the bridge scheduled 5 years out from now. D. Locker described the proposed work by Bureau of Bridge Maintenance which addresses erosion at the southwest abutment. The proposed work includes excavation at the southwest abutment, placing geotextile, and placing gabion baskets. It was stated that the proposed work would require the use of an excavator within the tidal area.

Carol Henderson asked for the anticipated timing for this project. Doug Locker stated that Bridge Maintenance would prefer to begin work in the spring of 2019. Tim Boodey stated that the ACOE intends to dredge some material in the area.

C. Henderson recommended contacting Brendan Clifford on the basis of the Piping Plover species present in the area. C. Henderson mentioned this was a sensitive area between April and August with respect to the habitat not the noise.

Mike Hicks asked if there was federal funding. D. Locker responded by saying no. M. Hicks asked if Bridge Maintenance had contacted Section 408. D. Locker responded by saying no, but that they would make an effort to address this. M. Hicks also mentioned the section 10 permit. M. Hick asked about a historic review.

Matt Urban and M. Hicks agreed this will fall under the general permit.

Amy Lamb mentioned the reconstruction project to this bridge has a NHB file number of 18-2036. A. Lamb also asked where the access to the bridge would be. D. Locker said it was not determined where access would need to be. A. Lamb noted that the existing vegetation would all need to be protected. Marc Laurin mentioned most of this information could be acquired through Jennifer Reczeck.

Lori Sommer brought up that there was a previous permit (DES# 2007-2607) for this bridge, but there were no erosion control plans for this project. D. Locker said there would be erosion control plans for this permit.

It was brought up that the ACOE project would begin in October. It was also mentioned that there were exposed utilities in the area and there is a recommendation to coordinate with the town.

L. Sommer expressed an interest to see this project at another Natural Resource Agency meeting. D. Locker agreed to return with the same project.

This project has not been previously discussed at a Monthly Natural Resource Agency Coordination Meeting.

# Hampton, #42439 April 17, 2019 NRA Minules.

Doug Locker provided an overview for the project. The Hampton River Bridge has experienced erosion at the southwest abutment. D. Locker explained the intent of the Bureau of Bridge Maintenance is to provide protection to the southwest abutment by rearranging the existing stone present at that location and placing gabion mattresses to further protect the area. Tim Boodey noted that the Bureau of Bridge Maintenance has coordinated with the Army Corps of Engineers (ACOE) dredging project lead by Coral 'Siligato and Fish and Game through Cheri Patterson and Brendan Clifford in order coordinate avoiding damage the sensitive natural communities as well construction schedules.

Eben Lewis asked if it was planned to have the ACOE job occur concurrently with the Bureau of Bridge Maintenance work. D. Locker stated that it was the intention to have the work done before the dredging project occurred.

There was concern stated that the temporary impacts were large by the Natural Resource Agencies.

It was stated by Bureau of Bridge Maintenance that they would remove the fencing that limited dune traffic and store it at the State Park on the opposite corner of the Bridge. It was stated that the intention is to have the dredging project return them.

Carol Henderson asked if it was planned to do this work in the fall. T. Boodey responded by saying that the project was planned to be done after August 1<sup>st</sup> but before October 15<sup>th</sup> and it would be confirmed that the project would not disturb the piping plovers. C. Henderson said to make sure everyone coordinates before the work is done.

E. Lewis said to have the impact areas outside of the tidal buffer zone as being sand dune.

Amy Lamb met with Allison Eberheart to discuss transplant, replant with beach grass for stabilization.

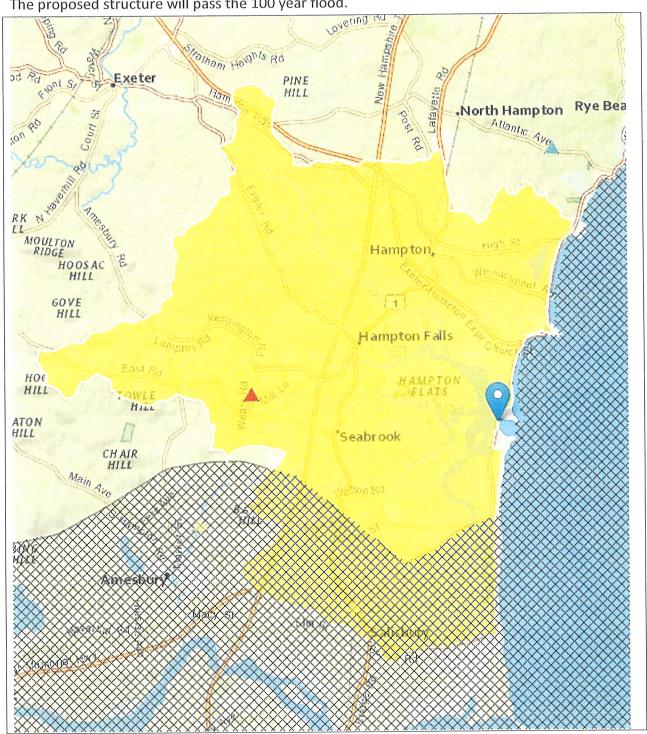
E. Lewis asked if the work can be exclusively done at low tide and the impacts with in the intertidal zone. Tim Boodey said that the work would take place during low tide, and included that it would be spelled out in the construction sequence.

### Hydraulic Data

Drainage Area – 45.35 square miles

Flow - Q 100 = 848 cfs

The proposed structure will pass the 100 year flood.



Watershed Boundaries Map

### NH Department of Transportation Bureau of Bridge Maintenance Project, # 42439 Env-Wt 904.09 Alternative Design TECHNICAL REPORT

Env-Wt 904.09(a) - If the applicant believes that installing the structure specified in the applicable rule is not practicable; the applicant may propose an alternative design in accordance with this section.

Please explain why the structure specified in the applicable rule is not practicable (Env-Wt 101.69 defines practicable as available and capable of being done after taking into consideration costs, existing technology, and logistics in light of overall project purposes.)

Hampton River is a tidal river with a drainage area of 45.35 square miles which qualifies this stream as a Tier 3 crossing. The proposed work will consist of repairing/replacing the failed rip-rap in front of the bridge abutments by installing a gabion mattress which will be covered with channel dredged material from a concurrent ACOE channel dredging project. It should be noted that this alternative has been selected because this bridge is scheduled for replacement in 2023 under the Seabrook-Hampton project. The only alternative to this project would be to allow the area to become destabilized resulting in slope failure and an unusable roadway.

The proposed alternative meets the specific design criteria for Tier 2 and Tier 3 crossings to the maximum extent practicable, as specified below.

Env-Wt 904.05 Design Criteria for Tier 2 and Tier 3 Stream Crossings – New Tier 2 stream crossings, replacement Tier 2 crossings that do not meet the requirements of Env-Wt 904.07, and new and replacement Tier 3 crossings shall be designed and constructed:

(a) In accordance with the NH Stream Crossing Guidelines.

The proposed improvements have been developed in accordance with the NH Stream Crossing Guidelines to the best of the Department's abilities. The NH Stream Crossing Guidelines were not specifically written for tidal water which needs to be taken into consideration. The Department has collected data in the field and in the office which aid in the design of the proposed maintenance work to the crossing. Using information that was available the Department determined that there will be a full bridge replacement in 2023. However, in order to keep the existing bridge in operation the Department proposes an alternative that meets the intent of the stream crossing guidelines to the maximum extent practicable.

(b) With bed forms and streambed characteristics necessary to cause water depths and velocities within the crossing structure at a variety of flows to be comparable to those found in the natural channel upstream and downstream of the stream crossing.

The proposed project will not change the existing waterway opening and structure alignment, and therefore, it will not change the depths or velocities at the crossing. The proposed alternative, although not an upgrade, does not diminish the existing conditions at the crossing.

(c) To provide a vegetated bank on both sides of the watercourse to allow for wildlife passage.

The existing structure does have banks through the bridge. These banks are currently vegetated with sand flats at low tide that are submerged during high tide. None of these conditions at the bridge will be altered as a result of this project.

- (d) To preserve the natural alignment and gradient of the stream channel, so as to accommodate natural flow regimes and the functioning of the natural floodplain.
- The natural alignment and gradient of the Hampton River channel will not be changed as a result of this project. While the land around our infrastructure has experienced large amounts of erosion over the last several years this project is only looking to stabilize the bridge until the 2023 project is able to evaluate larger possible solutions that may improve the causes of erosion/sediment transport.
- (e) To accommodate the 100-year frequency flood, to ensure that (1) there is no increase in flood stages on abutting properties; and (2) flow and sediment transport characteristics will not be affected in a manner which could adversely affect channel stability.

The project as proposed will not alter the chance of flooding on abutting properties. The existing and proposed repairs to the structure will continue to pass the 100 year flood flow. Sediment transport characteristics will not be exacerbated by the proposed project.

(f) To simulate a natural stream channel.

This project is intended to only protect the southwest abutment of the bridge. The rest of the channel and stream will remain unchanged.

(g) So as not to alter sediment transport competence.

Natural sediment transport will continue following the proposed repair. As stated above, there may be some larger geofluvial explanations for the excessive erosion noted at this location over the last several years. However, this project will not be addressing those issues. The Seabrook-Hampton project scheduled for 2023 construction will be looking at those issues more closely.

# Env-Wt 904.09(c)(3) – The alternative design must meet the general design criteria specified in Env-Wt 904.01:

Env-Wt 904.01

(a) Not be a barrier to sediment transport;

Nothing that will be a barrier to sediment transport will be installed in this project.

(b) Prevent the restriction of high flows and maintain existing low flows;

High flows will not be restricted and low flows will be maintained as a result of this project. The project as proposed will not have any effect on the structures ability to pass the 100 year storm event.

(c) Not obstruct or otherwise substantially disrupt the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction;

The movement of aquatic life indigenous to the waterbody will not change as a result of this project.

(d) Not cause an increase in the frequency of flooding or overtopping of banks;

The project as proposed will have no effect on the hydraulic capacity of the structure. High flows will not be restricted. The frequency of flooding or water overtopping the roadway or banks at the structure will not change due to the proposed project.

(e) Preserve watercourse connectivity where it currently exists;

Connectivity will not be changed as a result of this project.

(f) Restore watercourse connectivity where: (1) Connectivity previously was disrupted as a result of human activity(ies); and (2) Restoration of connectivity will benefit aquatic life upstream or downstream of the crossing, or both;

The watercourse is currently connected and the proposed work will not change this as a result of the project. Aquatic life passage upstream or downstream of the crossing will not be affected as a result of this project.

(g) Not cause erosion, aggradation, or scouring upstream or downstream of the crossing; and

The project will not cause erosion, aggradation, or scouring upstream or downstream of the crossing. The protection planned at the southwest abutment is intended to prevent any scour at that location.

(h) Not cause water quality degradation.

The project as proposed will not impact the quantity or quality of surface and or groundwater at this site. Storm water and surface water will continue to sheet flow to the water body off the road and banks the way it does currently. Best Management Practices will be used to prevent any adverse effect to the water quality during construction.

\*\*\*Note: An alternative design for <u>Tier 1</u> stream crossings must meet the general design criteria (Env-Wt 904.01) only to the *maximum extent practicable*.

# CONFIDENTIAL - NH Dept. of Environmental Services review

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NHB C

NH NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

To: Douglas Locker, New Hampshire Department of Transportation

7 Hazen Drive

Concord, NH 03302

From: Amy Lamb, NH Natural Heritage Bureau

**Date:** 1/17/2019 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB19-0121 Town: Hampton

Location: Hampton River Bridge NH1A over

Hampton River

This project is to install protection on the Southwest abutment of the Hampton River Bridge to keep in service until the Description:

rehab/replacement of the bridge is scheduled.

cc: Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: There are several rare plant species associated with the beach grass grassland dune community. Additionally, piping plovers (state and federally listed) are known to nest close to the project area. Contact NHB and the NH Fish & Game Department to assess potential impacts and determine avoidance and minimization measures.

Natural Community	State1	Federal Notes	Notes
Beach grass grassland	i i	ł	Dune communities are sensitive to trampling or recreational use that harms the vegetation, since plants growing in the sand serve a critical function in anchoring it in
Intertidal flat*	1	1	place.  Threats to these communities are primarily alterations to the hydrology of the wetland (such as ditching or tidal restrictions that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm
Subtidal system	1	1	runoff.  Threats to these communities are primarily alterations to the hydrology of the wetland (such as alterations that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff.
Plant species field wormwood (Artemisia campestris ssp.	State <sup>1</sup> E	Federal 	Notes  This species grows in dry dune systems and is sensitive to disturbances that eliminate its habitat or disturb the natural dynamics of the dune area.
Gray's umbrella sedge (Cyperus grayi)	ш	1	This species grows in sandplains and disturbed openings, and is sensitive to

Department of Natural and Cultural Resources Division of Forests and Lands (603) 271-2214 fax: 271-6488

DNCR/NHB 172 Pembroke Rd. Concord, NH 03301

# CONFIDENTIAL - NH Dept. of Environmental Services review

# Memo

Z

NH NATURAL HERITAGE BUREAU NHB DATACHECK RESULTS LETTER

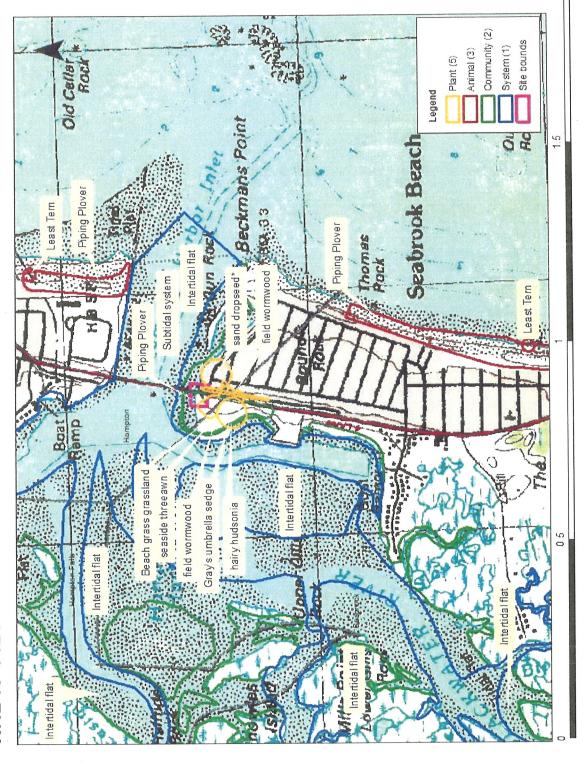
			disturbances that eliminate its habitat.
hairy hudsonia ( <i>Hudsonia tomentosa</i> )	Τ	1	This species requires periodic disturbance to its habitat (disturbed openings, river and streambanks). However, existing plants are very sensitive to trampling when growing on open sand.
sand dropseed (Sporobolus cryptandrus)*	讧	1	This species grows in dry dune systems and is sensitive to disturbances that eliminate its habitat or disturb the natural dynamics of the dune area.
seaside threeawn (Aristida tuberculosa)	Щ	I,	This species grows in dry dune systems and is sensitive to disturbances that eliminate its habitat or disturb the natural dynamics of the dune area.
Vertebrate species	State1	Federal	Notes
Least Tern (Sterna antillarum)	Щ	ł	Contact the NH Fish & Game Dept (see below).
Piping Plover (Charadrius melodus)	ш	F	Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).
		;	Annual Control of the

'Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (\*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on species. An on-site survey would provide better information on what species and communities are indeed present.

# NHB19-0121



### **Boodey, Tim**

From:

Patterson, Cheri

Sent:

Wednesday, March 20, 2019 1:45 PM

To:

Lewis, Eben

Cc:

Normandeau, Glenn; Grout, Douglas; McNaughten, Elizabeth; Clifford, Brendan;

Henderson, Carol; Dionne, Michael; Tracy Shattuck; Siligato, Coral E CIV USARMY CENAE

(US); Boodey, Tim

Subject:

Hampton Seabrook Harbor Dredge Project

Eben,

To keep you informed of the collaboration occurring for the Hampton Seabrook Harbor Dredge Project; F&G, DOT, Port Authority, and ACOE met at the Hampton Seabrook Wildlife Management Area (WMA) site Monday to discuss a temporary access road to the area that will be receiving dredge spoils around the base of the Rt. 1A Bridge (Bridge). The following were topics that were discussed.

- NHDOT will need to get into this area earlier (early August?) to shore up the exposed footing and abutment of the Bridge before placing the dredge spoils.
- DOT asked what would be the best time to start the work (in the dry) to stay away from the plovers habitat in this area. Brendan indicated it would be after August 1 for the plovers. However, this doesn't cover Least Terns, which hasn't been observed in this area. If Least Terns were observed in the area, it would be after September 1<sup>st</sup>. However, if Least Terns are present there still may be the ability to get into the area before September 1<sup>st</sup> if they have vacated the habitat.
- DOT's right of way (ROW) is still being researched, but initial thoughts are to be about 115' from the guardrail of Rt. 1A but needs to be confirmed by the NHDOT ROW Bureau. Once the ROW is determined there will be further discussion with the DOT and PDA/ACOE regarding a SUP.
- DOT/ACOE will be providing a diagram indicating the ROW corridor and the proposed temporary access road. It is my understanding that DOT and ACOE will be using the same temporary access road.
  - Since DOT will be getting into this area first to repair the exposed footing, they will mark/flag the
    temporary access road at least a month ahead. A portion of the fencing set up to keep the public off the
    dunes will need to be dissembled to accommodate the temporary access road.
  - DOT will be checking with DNCR to store the fencing material at the Hampton State Park facility until ACOE is done with the access road where they will reinstall the fencing in 2020, or earlier.
  - There will be dune flora that will be affected by the temporary access roadway so I am in the process of
    communicating with NHB and Sea Grant to coordinate moving some for the fragile flora into the fenced
    WMA to continue to preserve this flora before DOT starts creating the access road. As well as, plant sea
    grass plugs into the access road area after the construction is completed in the spring of 2020.
  - The ACOE was anticipating developing the RFP for the timing of work to be October 1<sup>st</sup> through March 1<sup>st</sup>. They are hoping that with a March 1<sup>st</sup> end of contract date, any delays can be finished within the dredge window date of March 15 for in-water work. However, asked if they need a day or two past March 15<sup>th</sup> would F&G would be amendable to an extension. We indicated if there are any delays anticipated past the dredge window that consultation with the natural resource agencies need to occur.
  - ACOE also indicated the RFP will indicate the sloping of the dredge spoils in any of the areas along the shoreline will be sloped to be no steeper than 10:1 to accommodate piping plover habitat.

If you have any questions please don't hesitate to ask.

Cheri Patterson
Supervisor of Marine Programs
NH Fish and Game Department

225 Main Street
Durham, NH 03824
(603)868-1095 – office
(603)868-3305 – fax

"NH Fish and Game Department: Connecting you to life outdoors"

Did you know...The NH Fish and Game Department protects, conserves and manages more than 500 species of wildlife, including 63 mammals, 18 reptiles, 22 amphibians, 313 birds, and 122 fish. For more information visit: <a href="http://wildlife.state.nh.us/Wildlife/wildlife.plan.htm">http://wildlife.state.nh.us/Wildlife/wildlife.plan.htm</a>

### **Boodey, Tim**

From: Siligato, Coral E CIV USARMY CENAE (US) <Coral.E.Siligato@usace.army.mil>

Sent: Wednesday, April 17, 2019 11:49 AM

To: McNaughten, Elizabeth; Normandeau, Glenn; Geno Marconi; Mark Gardner; Tracy

Shattuck; Haugen, Kiersten E CIV USARMY CENAE (USA); Boodey, Tim; Byers, Levi; Locker, Douglas; Perlow, Jill; Boisvert, Tracey; CHRIS\_SCOTT@SHAHEEN.SENATE.GOV

Gendron, Wendy C CIV USARMY CENAE (USA); Harrington, Janet G CIV USARMY CENAE

(US); Patterson, Cheri; Boodey, Tim; Spoerl, Robert

Subject: RE: Hampton Harbor Real Estate Meeting - Follow up

### Good Morning,

Cc:

Following up from our real estate coordination meeting and subsequent emails, April 25th is fast approaching and I was hoping to get a status on the MOU. USACE provided the draft plans and specs for review to representatives from each agency about two weeks ago.

Please let me know if another meeting would be helpful to finalize the coordination.

Best,

Coral Siligato, PE
Project Manager, Navigation Section
US Army Corps of Engineers, New England
978-318-8012

----Original Message----

From: Siligato, Coral E CIV USARMY CENAE (US) Sent: Wednesday, March 27, 2019 1:00 PM

To: 'elizabeth.mcnaughten@wildlife.nh.gov' < elizabeth.mcnaughten@wildlife.nh.gov >;

'Glenn.Normandeau@wildlife.nh.gov' < Glenn.Normandeau@wildlife.nh.gov >; 'Geno Marconi'

< G.Marconi@peasedev.org>; 'Mark Gardner' < M.Gardner@peasedev.org>; 'Tracy Shattuck'

< T.Shattuck@peasedev.org>; Haugen, Kiersten E CIV USARMY CENAE (USA) < Kiersten.E.Haugen@usace.army.mil>;

'Tim.Boodey@dot.nh.gov' < Tim.Boodey@dot.nh.gov >; 'Byers, Levi' < Levi.Byers@dot.nh.gov >; 'Locker, Douglas'

<Douglas.Locker@dot.nh.gov>; 'Perlow, Jill' <Jill.Perlow@doj.nh.gov>; 'Boisvert, Tracey'

<Tracey.Boisvert@dncr.nh.gov>; 'CHRIS\_SCOTT@SHAHEEN.SENATE.GOV' < CHRIS\_SCOTT@SHAHEEN.SENATE.GOV >

Cc: Gendron, Wendy C CIV USARMY CENAE (USA) < Wendy.C.Gendron@usace.army.mil >; Harrington, Janet G CIV

USARMY CENAE (US) < <u>Janet.G.Harrington@usace.army.mil</u>>; 'Patterson, Cheri' < <u>Cheri.Patterson@wildlife.nh.gov</u>>;

 $\\ 'Tim.Boodey@dot.nh.gov' < \\ \underline{Tim.Boodey@dot.nh.gov} >; 'Robert.Spoerl@dncr.nh.gov' < \\ \underline{Robert.Spoerl@dncr.nh.gov} >; 'R$ 

Subject: Hampton Harbor Real Estate Meeting - Follow up

### Good Morning,

Thank you all for attending the meeting last Thursday to discuss real estate coordination for Hampton Harbor. Notes and follow up from the meeting are as follows:

USACE identified April 25, 2019 as the date for Real Estate coordination to be complete. Completion by this date would cause no impact to our schedule.

### Real Estate Agreements:

- -PDA will issue a Right of Entry for use of the PDA land. PDA is working on this language and will have the document signed prior to April 25, 2019.
- -The Real Estate document allowing access from DNCR, NHF&G and NHDOT will be in the form of a MOU to PDA. The MOU is being headed up by Jill Perlow from the AG's office. Ms. Perlow is working with each agency (DNCR, NHF&G and NHDOT) to create a comprehensive MOU and is targeting to have a signed MOU by April 25, 2019.
- -Tracey Boisvert notified USACE that DNCR may need to slightly adjust the proposed "Period of Use" dates in order to accommodate late fall Hampton Beach State Park events/activities in this area and will coordinate once she has additional information from the Regional Park Manager.

### Requested Information from USACE:

- -Attached is the Real Estate drawing (dated 3/21/2019) discussed during the meeting. This drawing includes updated information provided by NHF&G, Pease Development Authority and NHDOT. If any edits are needed, please notify me as soon as possible.
- -The State agencies requested to see the contract language (i.e. the plans and specs). USACE counsel is working with Ms. Perlow to securely transmit draft plans and specs to facilitate the signing of an MOU by pertinent State agencies.

Please review these notes and let me know of any edits/comments.

Kind Regards,

Coral Siligato, PE Project Manager, Navigation Section US Army Corps of Engineers, New England 978-318-8012

### **Boodey, Tim**

From:

Patterson, Cheri

Sent:

Wednesday, April 17, 2019 3:54 PM

To:

Boodey, Tim

Cc:

Byers, Levi; Locker, Douglas; Lewis, Eben; McNaughten, Elizabeth; Eberhardt, Alyson

Subject:

Re: Hampton Harbor Real Estate Meeting - Follow up

Thank you, Tim!

Cheri Patterson
Supervisor of Marine Programs
NH Fish and Game Department
225 Main Street
Durham, NH 03824
(603)868-1095 – office
(603)868-3305 – fax

"NH Fish and Game Department: Connecting you to life outdoors"

From: Boodey, Tim

Sent: Wednesday, April 17, 2019 3:07:05 PM

To: Patterson, Cheri

Cc: Byers, Levi; Locker, Douglas; Lewis, Eben; McNaughten, Elizabeth

Subject: RE: Hampton Harbor Real Estate Meeting - Follow up

Hello Cheri,

We were planning to do the layout next Wednesday, the 24th.

Tim

From: Patterson, Cheri

Sent: Wednesday, April 17, 2019 2:09 PM

To: Boodey, Tim

Cc: Byers, Levi; Locker, Douglas; Lewis, Eben; McNaughten, Elizabeth

Subject: Re: Hampton Harbor Real Estate Meeting - Follow up

Tim,

Good afternoon. I was checking to see if you have had the chance to flag the temporary access road adjacent to Rt. 1A leading to the beach area at the base of the south end of the Rt 1A Bridge? I wanted to let Sea Grant know so they can plan on assessing the plants in the vicinity of the access road. Thank you.

Cheri Patterson
Supervisor of Marine Programs
NH Fish and Game Department
225 Main Street
Durham, NH 03824
(603)868-1095 – office

### (603)868-3305 - fax

"NH Fish and Game Department: Connecting you to life outdoors"

From: Patterson, Cheri

Sent: Friday, March 29, 2019 1:06:27 PM

To: Boodey, Tim

Cc: Byers, Levi; Locker, Douglas; Lewis, Eben; McNaughten, Elizabeth

Subject: Re: Hampton Harbor Real Estate Meeting - Follow up

Yes, Tim, that would be great, thank you.

Cheri Patterson
Supervisor of Marine Programs
NH Fish and Game Department
225 Main Street
Durham, NH 03824
(603)868-1095 – office
(603)868-3305 – fax

"NH Fish and Game Department: Connecting you to life outdoors"

From: Boodey, Tim

Sent: Thursday, March 28, 2019 7:53 PM

To: Patterson, Cheri

Cc: Byers, Levi; Locker, Douglas

Subject: Re: Hampton Harbor Real Estate Meeting - Follow up

Hi Cheri,

We can put some flags out in the next couple of weeks. Does that time frame work?

Tim

Sent from my iPhone

- > On Mar 28, 2019, at 5:55 PM, Patterson, Cheri < Cheri.Patterson@wildlife.nh.gov> wrote:
- > Tim,
- > I will be meeting with NHB and Sea Grant on April 3rd to discuss id'ing and moving sensitive plants in the path of the Temporary Access Road. It sounds like it may be better to move plants in the spring opposed to summer. When would DOT/ACOE be able to flag the perimeter of the Temporary Access Road?
- > Thank you.
- >
- > Cheri Patterson
- > Supervisor of Marine Programs
- > NH Fish and Game Department
- > 225 Main Street

- > Durham, NH 03824 > (603)868-1095 - office > (603)868-3305 - fax > "NH Fish and Game Department: Connecting you to life outdoors" > Did you know...The NH Fish and Game Department protects, conserves and manages more than 500 species of wildlife, including 63 mammals, 18 reptiles, 22 amphibians, 313 birds, and 122 fish. For more information visit: http://wildlife.state.nh.us/Wildlife/wildlife\_plan.htm > -----Original Message-----> From: Boodey, Tim <Tim.Boodey@dot.nh.gov> > Sent: Thursday, March 28, 2019 5:40 PM > To: 'Siligato, Coral E CIV USARMY CENAE (US)' < Coral.E.Siligato@usace.army.mil>; McNaughten, Elizabeth <Elizabeth.McNaughten@wildlife.nh.gov>; Mark Gardner < M.Gardner@peasedev.org>; Tracy Shattuck < T.Shattuck@peasedev.org>; Haugen, Kiersten E CIV USARMY CENAE (USA) <Kiersten.E.Haugen@usace.army.mil>; Byers, Levi <Levi.Byers@dot.nh.gov>; Locker, Douglas <Douglas.Locker@dot.nh.gov>; Perlow, Jill <Jill.Perlow@doj.nh.gov> > Cc: Patterson, Cheri < Cheri. Patterson@wildlife.nh.gov>; LaBonte, Stephen < Stephen. LaBonte@dot.nh.gov> > Subject: RE: Hampton Harbor Real Estate Meeting - Follow up > > Hello Coral, > I met with members of our Front Office and ROW Bureaus this morning to discuss the access for the ACOE's contractor through NHDOT ROW. We agreed a MOU was appropriate between the PDA and DOT to formalize this agreement. Our understanding is that the MOU with the PDA would be applicable to the contractor hired by the ACOE. Matthew Broadhead from the NH AG's office contacted our office regarding the same. We do not anticipate a formal MOU between F&G and the DOT. The matters we discussed regarding access, laying out the extent of work and the fencing can be formalized in our application for wetland impacts that F&G reviews. We anticipate getting a draft MOU from you or Jill Perlow to review, there is some standard language we will want to see > Who is heading up your wetland Dredge and Fill application process? My Director asked if we were going to get a chance to see the application give the work that will occur in DOT ROW and in the area of the bridge abutment. > Thank you, > Tim > ----Original Message----> From: Siligato, Coral E CIV USARMY CENAE (US) [mailto:Coral.E.Siligato@usace.army.mil] > Sent: Wednesday, March 27, 2019 1:00 PM > To: McNaughten, Elizabeth; Normandeau, Glenn; Geno Marconi; Mark Gardner; Tracy Shattuck; Haugen, Kiersten E CIV USARMY CENAE (USA); Boodey, Tim; Byers, Levi; Locker, Douglas; Perlow, Jill; Boisvert, Tracey; CHRIS\_SCOTT@SHAHEEN.SENATE.GOV > Cc: Gendron, Wendy C CIV USARMY CENAE (USA); Harrington, Janet G CIV USARMY CENAE (US); Patterson, Cheri; Boodey, Tim; Spoerl, Robert > Subject: Hampton Harbor Real Estate Meeting - Follow up > Good Morning,
- > Thank you all for attending the meeting last Thursday to discuss real estate coordination for Hampton Harbor. Notes and follow up from the meeting are as follows:
- > USACE identified April 25, 2019 as the date for Real Estate coordination to be complete. Completion by this date would cause no impact to our schedule.
- > Real Estate Agreements:
- > -PDA will issue a Right of Entry for use of the PDA land. PDA is working on this language and will have the document signed prior to April 25, 2019.
- > -The Real Estate document allowing access from DNCR, NHF&G and NHDOT will be in the form of a MOU to PDA. The MOU is being headed up by Jill Perlow from the AG's office. Ms. Perlow is working with each agency (DNCR, NHF&G and NHDOT) to create a comprehensive MOU and is targeting to have a signed MOU by April 25, 2019.
- > -Tracey Boisvert notified USACE that DNCR may need to slightly adjust the proposed "Period of Use" dates in order to accommodate late fall Hampton Beach State Park events/activities in this area and will coordinate once she has additional

information from the Regional Park Manager.

- > Requested Information from USACE:
- > -Attached is the Real Estate drawing (dated 3/21/2019) discussed during the meeting. This drawing includes updated information provided by NHF&G, Pease Development Authority and NHDOT. If any edits are needed, please notify me as soon as possible.
- > -The State agencies requested to see the contract language (i.e. the plans and specs). USACE counsel is working with Ms. Perlow to securely transmit draft plans and specs to facilitate the signing of an MOU by pertinent State agencies.
- > Please review these notes and let me know of any edits/comments.
- > Kind Regards,

>

- > Coral Siligato, PE
- > Project Manager, Navigation Section
- > US Army Corps of Engineers, New England
- > 978-318-8012



# United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New England Ecological Services Field Office 70 Commercial Street, Suite 300 Concord, NH 03301-5094 Phone: (603) 223-2541 Fax: (603) 223-0104

http://www.fws.gov/newengland



May 02, 2019

In Reply Refer To:

Consultation Code: 05E1NE00-2019-SLI-1591

Event Code: 05E1NE00-2019-E-03848

Project Name: Hampton 235/025

Subject: List of threatened and endangered species that may occur in your proposed project

location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle\_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

### Attachment(s):

Official Species List

# **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office 70 Commercial Street, Suite 300 Concord, NH 03301-5094 (603) 223-2541

## **Project Summary**

Consultation Code: 05E1NE00-2019-SLI-1591

**Event Code:** 

05E1NE00-2019-E-03848

Project Name:

Hampton 235/025

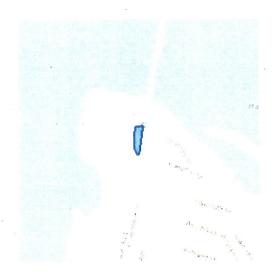
Project Type:

BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: Scour repair of Southwestern abutment of the Hampton River Bridge.

Project Location:

Approximate location of the project can be viewed in Google Maps: <a href="https://www.google.com/maps/place/42.89382291380957N70.81726338554392W">https://www.google.com/maps/place/42.89382291380957N70.81726338554392W</a>



Counties: Rockingham, NH

### **Endangered Species Act Species**

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### **Mammals**

NAME

**STATUS** 

Northern Long-eared Bat Myotis septentrionalis

No critical habitat has been designated for this species.

Species profile: https://ecos.fws.gov/ecp/species/9045

Threatened

### **Birds**

NAME

STATUS

Red Knot Calidris canutus rufa

Threatened

No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

### BUREAU OF ENVIRONMENT, NHDOT REVIEW REQUEST TO THE NH DIVISION OF HISTORICAL RESOURCES

Date:	May 24, 2019	Return Prior to:
Project:	Seabrook-Hampton l by Hartgen, May 20	5940 Phase IA Archaeological Sensitivity Assessment Addendum Report;
This is a ve	ry comprehensive and w Harbor and the low pote	mmended edits form by Sheila Charles.  vell researched report providing the requested detail on the maritime context of initial for submerged archaeological resources to exist within the APE. that no further survey for the underwater portion of the APE is needed.
and Sec. 10 relative to	06 of the NHPA require	H DIVISION OF HISTORICAL RESOURCES for review and comment. NEPA consultation with the SHPO to ensure the review of all actions covered by these acts operties. The review should focus on the project's impacts pertinent to this act.  CONTACT: Sheila Charles  Cultural Resources Program Specialist/Archaeologist Sheila.Charles(a)dot.nh.gov 603-271-4049
COMME		e. Additional comments should be included below or on a separate sheet.
	CONCUR WITH COM	NDITION (Indicate major reservations about the project and the specific substantive changes or modifications desired.)
	TECHNICAL COMM	IENTS (No formal position, technical comments may be attached.)

NO COMMENTS

\*\* NON-RECEIPT OF THIS REVIEW IMPLIES CONSENT PLEASE COPY AND RETURN THIS SHEET

Date: 5.30 19

(Please Type or Print)

J:\FORMS\trDHR Archaeology.doc

#### Hampton 42439

#### Determination of No Effect

#### NLEB and Red Knot

The proposed project is located on NH Route 1A in the Town of Hampton, NH. The proposed work consists of rearranging the existing rip-rap as well as placing gabion mattresses to stabilize the abutment and prevent future scour. The Hampton 42439 project is being constructed as a temporary stabilization effort in advance of the larger Seabrook-Hampton 15904 project that intends to fully replace this bridge in the year 2023.

The NHDOT has coordinated with USF&WS in anticipation of the Seabrook-Hampton 15904 project specific to NLEB and the listed Red Knot.

USF&WS has determined that the northern long-eared bat will not be affected by work performed at this bridge location. Specifically due to a lack of foraging or roosting habitat, including the lack of evidence that bats might have been roosting in the bridge. Therefore, no further consultation will be needed for this species.

USF&WS additionally informed NHDOT that Red knots forage on exposed intertidal mud and sand flats, and roost on beach berms, dunes and in salt marshes. While these types of areas do exist within the project area USF&WS noted that to date, there is little evidence that other than lower numbers of migrating red knots are found in the project area. The Red Knot is known to breed in central Canadian Artic, from the islands of Northern Hudson Bay to the Fox Basin Shorline of Baffin Island, and west to Victoria Island. Breeding typically occurs between the months of May and June, additionally Male Red Knots will provide parental care for an additional 25 days extending their time in the breeding area into July. Furthermore, spring migration typically occurs between February and April. Well-known spring stopover areas occur along the Atlantic Coast including Eastern Brazil, Northern Brazil, and Southeast United States (Carolinas to Florida, Delaware and New Jersey, and Virginia Barrier Islands.

Since the Red Knots are known to be in their breeding grounds during the time of year that work is anticipated and since low numbers of migratory Red Knots have been seen in NH, the Department has determined that our project will have no effect on the Red Knot.

Seabrook-Hampton 15904 Phase IA Archaeological Sensitivity Assessment Addendum Report. Hartgen Acheological Associates, Inc.

The DHR has reviewed the above-referenced report addendum, which establishes a well-researched and comprehensive context for the maritime history of the project area. The DHR is pleased to see the utilization of a wide range of documentation from several institutions and personal communications. The DHR concurs with the determination that the underwater portion of the APE exhibits low sensitivity for the occurrence of submerged archaeological resources and that no further survey of this area is necessary.

Although maps depicting the alignment of submerged utilities would improve the document by further demonstrating the extent of prior impact, the report addendum satisfies the DHR's request for additional contextual information.

The following are minor edits to be added to those provided by the NHDOT Bureau of Environment:

- Pg. 5, paragraph 3, line 1 please insert a comma after the word "century"
- Pg. 5, paragraph 3, line 5 please insert "and" between "population" and "had"
- Pg. 5, paragraph 4, line 3 please replace the period with a comma after "lobstering"
- Pg. 5, paragraph 7, line 1 please insert the word "avenue" after "Dover"

# US Army Corps of Engineers R New England District

# U.S. Army Corps of Engineers New Hampshire Programmatic General Permit (PGP) Appendix B - Corps Secondary Impacts Checklist (for inland wetland/waterway fill projects in New Hampshire)

- 1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
- 2. All references to "work" include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
- 3. See PGP, GC 5 regarding single and complete projects.
- 4. Contact the Corps at (978) 318-8832 with any questions.

1. Impaired Waters	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See	X	***************************************
http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm		
to determine if there is an impaired water in the vicinity of your work area.*		
2. Wetlands	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?	X	
2.2 Are there proposed impacts to SAS, shellfish beds, special wetlands and vernal pools (see	X	
PGP, GC 26 and Appendix A)? Applicants may obtain information from the NH Department of		
Resources and Economic Development Natural Heritage Bureau (NHB) website,		
www.nhnaturalheritage.org, specifically the book Natural Community Systems of New		,
Hampshire.	; 	
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology,	X	
sediment transport & wildlife passage?		
2.4 Would the project remove part or all of a riparian buffer? (Riparian buffers are lands adjacent		X
to streams where vegetation is strongly influenced by the presence of water. They are often thin		
lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream		
banks. They are also called vegetated buffer zones.)		
2.5 The overall project site is more than 40 acres.		X
2.6 What is the size of the existing impervious surface area?	N/	A
2.7 What is the size of the proposed impervious surface area?	N/	A
2.8 What is the % of the impervious area (new and existing) to the overall project site?	N/	A
3. Wildlife	Yes	No
3.1 Has the NHB determined that there are known occurrences of rare species, exemplary natural	X	***************************************
communities, Federal and State threatened and endangered species and habitat, in the vicinity of		
the proposed project? (All projects require a NHB determination.)		
3.2 Would work occur in any area identified as either "Highest Ranked Habitat in N.H." or	X	
"Highest Ranked Habitat in Ecological Region"? (These areas are colored magenta and green,		
respectively, on NH Fish and Game's map, "2010 Highest Ranked Wildlife Habitat by Ecological		
Condition.") Map information can be found at:		
• PDF: www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm.		
Data Mapper: <a href="www.granit.unh.edu">www.granit.unh.edu</a> .		
• GIS: www.granit.unh.edu/data/downloadfreedata/category/databycategory.html.		
2.2. Would the project impact many than 20 caree of a surface land to 11. 11. 1. (1.1.)		37
3.3 Would the project impact more than 20 acres of an undeveloped land block (upland,		X
wetland/waterway) on the entire project site and/or on an adjoining property(s)?		<b>T</b> 7
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?		X
3.5 Are stream crossings designed in accordance with the PGP, GC 21?	X	

4. Flooding/Floodplain Values	Yes	No
4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream?	X	
4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage?		X
5. Historic/Archaeological Resources		
If a minor or major impact project, has a copy of the Request for Project Review (RPR) Form (www.nh.gov/nhdhr/review) been sent to the NH Division of Historical Resources as required on Page 5 of the PGP?**	X	

<sup>\*</sup>Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.

\*\* If project is not within Federal jurisdiction, coordination with NH DHR is not required under Federal law.



Aerial View 7/4/2009



Aerial View 4/20/2013



Close Up Aerial View 10/2016



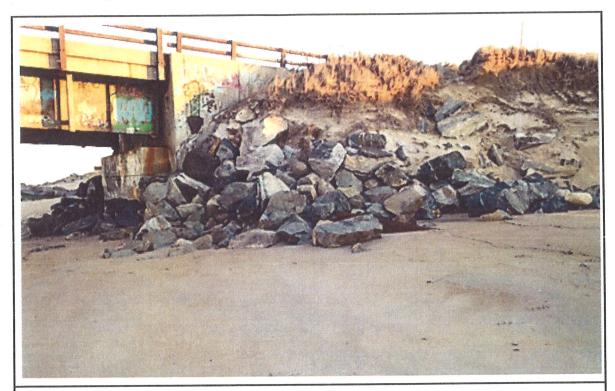
Close Up Aerial View 5/2018



SW side 10/2/2017



SW side 1/8/2018

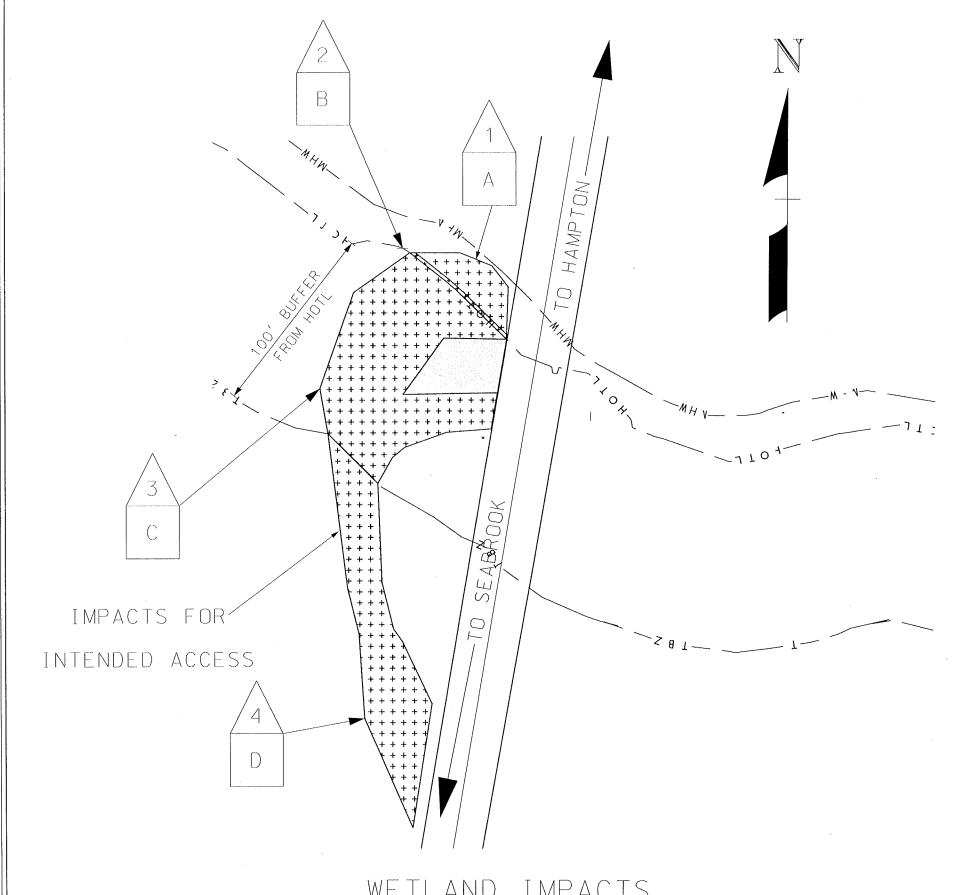


SW side 12/8/2018

## **CONSTRUCTION SEQUENCE**

- 1. NHDOT Bridge Maintenance has coordinated with the NHF&G regarding the access road to the work area at the bridge. DOT will use the area of an existing footpath. NHF&G will coordinate the relocation of sensitive species from the access road prior to construction. The existing wooden posts will be removed and stored off the work site.
- 2. All construction work in the intertidal area will be performed at low tide and no construction equipment will be stored in that area. All work will remain stabilized during high tide periods
- 3. The existing stone protection at the bridge abutment will be restacked in place in the location it was originally installed which was cleared of sensitive species under step one above.
- 4. Gabion mattresses will be placed and filled directly in front of the stone protection at the bridge abutment.
- 5. The site will be restored to its original quality by a separate project performed by the Army Corps of Engineers beginning in October 2019. This project involves the dredging of the navigation of the Hampton River. Spoils will be used to cover over the work done in steps three and four above. The slope lines at access road and wood post will be reestablished by the ACOE contractor.

<u>Note</u>: The Project will utilize BMP's from the Best Management Practices manual during all phases of construction.

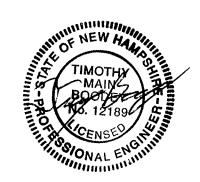


WETLAND IMPACTS

SCALE: 1'' = 50' - 0''

## LEGEND

TYPE OF	SHADING/ HAICHING	WETLAND DESIGNATION NUMBER
NEW HAMPSHIRE WETLANDS BUREAU (PERMANENT NON-WETLAND)		# WETLAND IMPACT LOCATION
NEW HAMPSHIRE WETLANDS BUREAU & ARMY CORP OF ENGINEERS (PERMANENT WETLAND)		# WETLAND MITIGATION AREA
TEMPORARY IMPACIS	+ +	MITIGATION



		TATE OF NET				TE MA	INTEN	ANCE
-	TOWN HAMPTON LOCATION NH IA OVER HAMPTON		BRIDGE			FATE PRO		2439
		ND IMPACTS	3	**:		*******		BRIDGE SHEET
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		DRAWN DBL 5/3/19 CHECKED						
		QUANTITIES			CHECKED			235/025
LE		ISSUE DATE		FISCAL Y	EAR CREV	/ Si	IEET NO.	TOTAL SHEETS
2		REV. DATE		2019	6	İ	ı	3

## Hampton 235/025

				WETLAND IMPACT SUMN	ЛARY			W	
			AREA IMPACTS			LINEAR STREAM IMPACTS FOR MITIGATION			
			PERM	ANENT			PERMANENT	-	
WETLAND NUMBER	WETLAND CLASSIFICATION	LOCATION	N.H.W.B. (NON WETLAND)	N.H.W.B. & A.C.O.E. (WETLAND)	TEMPORARY	BANK LEFT	BANK RIGHT	CHANNEL	
			SF	SF	SF	LF	LF	LF	
1	E2US2N	A			814				
2	E2US2N	В			116				
3	TBZ	С	1163		6062				
4	SAND DUNE	D			4071				
							·		
			ie 820 augustus in sais sais an sais a						
		I		T T					
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PERMANENT IMPACTS:

1163 SF

TEMPORARY IMPACTS:

11063 SF

TOTAL IMPACTS:

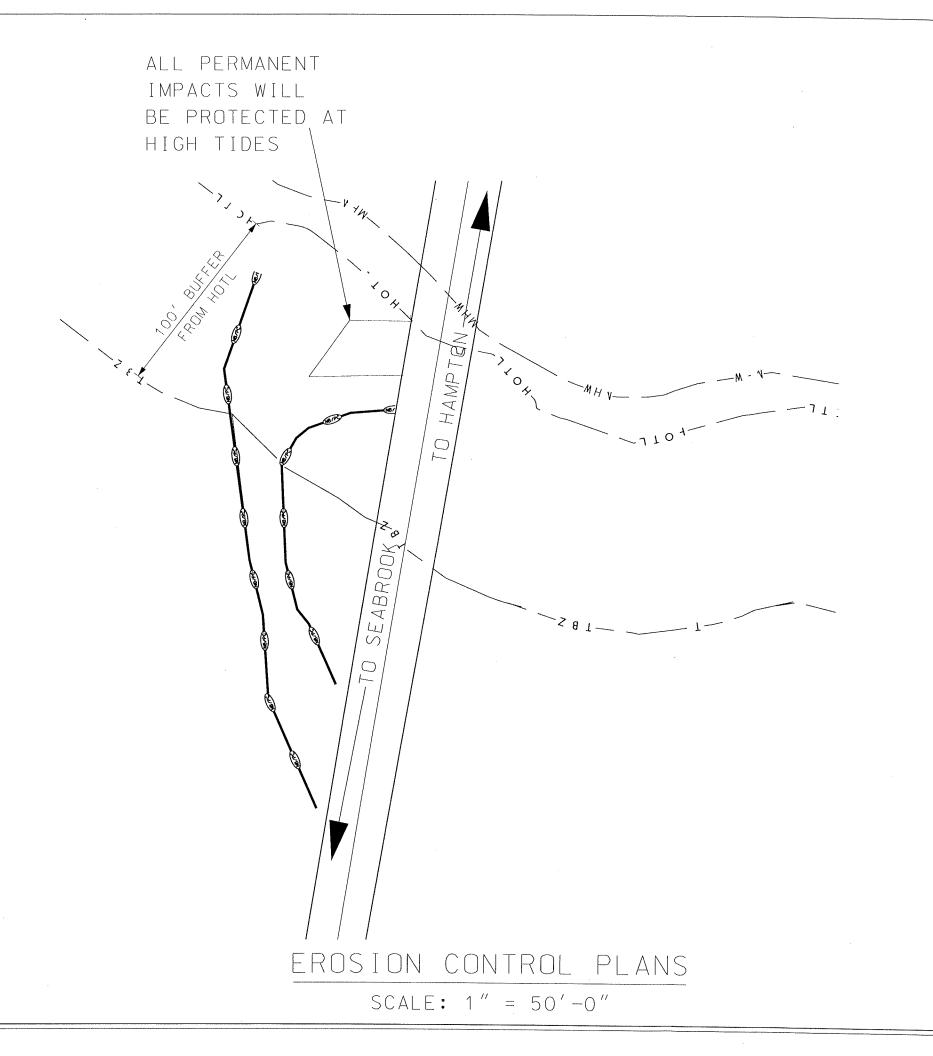
12226 SF

		PERM			
	SUBTOTALS	N.H.W.B. (NON WETLAND)	N.H.W.B. & A.C.O.E. (WETLAND)	TEMPORARY	
CLASS	DESCRIPTION	SCRIPTION SF SF		SF	
E2US2N	ESTUARINE	0	0	930	
TBZ	TIDAL BUFFER ZONE	1163	0	6062	
SAND DUNE	SAND DUNE	0	0	4071	
		0	0	0	
		0	0	0	

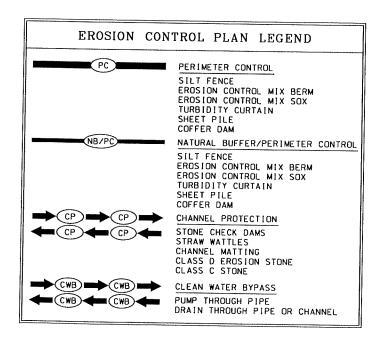


	WETLAND CLASSIFICATION CODES
E2US2E	ESTUARINE SAND FLAT WETLANDS
твz	TIDAL BUFFER ZONE
SAND DUNE	SAND DUNE

	STA	STATE OF NEW HAMPSHIRE										
	DEPARTMENT OF TRANSPORTATION * BUREAU OF BRIDGE MAINTENANCE											
	100000000000000000000000000000000000000	TOWN HAMPTON BRIDGE NO. 235/025 STATE PROJECT 42439										
	LOCATION NH IA OVER HAMPTON RIVE											
	WETLAND	IMPACTS				BRIDGE SHEET						
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		DRAWN DBL 5/3/19 CHECKED HAMPTON										
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	DEPARTMENT OF TRANSPORTATION * BUREAU OF BRIDGE MAINTENANCE										
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LOCATION NH IA OVER HAMPTON RIVER											
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		DESIGNED	DBL	5/3/19	CHECK	ED			FILE NUMBER		
		DRAWN	DBL	5/3/19	CHECKI	ED			HAMPTON		
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